

FROM Page, Lobo & Costales 18518004510

(WED)AUG 27 2008 9:59/ST. 9:59/No. 7500000560 P 2

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7 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

Civil No. 07cv02342-LAB(JMA)

11 Plaintiff,

JOINT MOTION FOR
 DISMISSAL PURSUANT TO
 RULE 41(a)(1)(A)(ii) OF THE
 COMPLAINT FOR FORFEITURE

12 v.

13 ONE RESIDENTIAL PROPERTY
 14 LOCATED AT 30220 COOL VALLEY
 LANE, VALLEY CENTER, CA, AND
 15 ALL IMPROVEMENTS AND
 APPURTENANCES AFFIXED THERETO,

16 ONE RESIDENTIAL PROPERTY
 17 LOCATED AT 681 DOUGLAS AVENUE,
 SAN MARCOS, CA, AND ALL
 18 IMPROVEMENTS AND
 APPURTENANCES AFFIXED THERETO,

19 ONE RESIDENTIAL PROPERTY
 20 LOCATED AT 1228 CORTE BELLO,
 SAN MARCOS CA, AND ALL
 21 IMPROVEMENTS AND
 APPURTENANCES AFFIXED THERETO,

22 Defendants.

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 24 The United States of America, by and through its counsel, Karen P. Hewitt, United States
 25 Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimants, Wilshire
 26 Credit Corporation, through its attorney of record, Timothy M. Ryan; Rex Costales and Erlinda
 27 Costales, through their attorney of record, Randall T. Page; and Melicio Costales, through his

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1 attorney of record, Michael S. Pedretti, ("Claimants"), enter into this joint motion and stipulate as
2 follows:

3 1. The parties have agreed that the Complaint for Forfeiture should be dismissed
4 pursuant to Rule 41(a)(1)(A)(ii) of the Fed. R. Civ. P.

5 2. The above-captioned One Residential Property Located at 30220 Cool Valley Lane,
6 Valley Center, CA, defendant, shall be returned to Claimant Wilshire Credit Corporation, through
7 its attorney of record, Timothy M. Ryan.

8 3. The above-captioned One Residential Property Located at 681 Douglas Avenue,
9 San Marcos, CA, defendant, shall be returned to Claimant Rex Costales, through his attorney of
10 record, Randall T. Page.

11 4. The above-captioned One Residential Property Located at 1228 Corte Bello,
12 San Marcos, CA, defendant, shall be returned to Claimants Erlinda Costales Olivar and Melecio
13 Costales, through their respective attorneys of record Randall T. Page and Michael S. Pedretti.

14 5. Each party shall bear its own costs and expenses, including attorney fees.

15 6. The person or persons who made the seizure or the prosecutor shall not be liable
16 to suit or judgment on account of such seizure in accordance with Title 28, United States Code,
17 Section 2465. Claimants agree that by entering into this stipulation, they have not "substantially
18 prevailed" within the meaning of 28 U.S.C. § 2465.

19 7. The claimants, his agents, employees, or assigns, shall hold and save harmless the
20 United States of America, its agents and employees, from any and all claims which might result
21 from the seizure of the defendants.

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5. Following Claimants' retrieval of the defendants, this case shall be closed.

DATED: August 25, 2008

KAREN P. HEWITT
United States Attorney

s/David M. McNees
DAVID M. McNEES
Special Assistant U.S. Attorney
Attorneys for Plaintiff
United States of America
E-mail: david.mcnees@usdoj.gov

DATED: 8/27/08

TIMOTHY M. RYAN
TIMOTHY M. RYAN
Attorney for Claimant Wilshire Credit
Corporation

DATED: 8/26/08

REX COSTALES
REX COSTALES
Claimant

DATED: 8/26/08

ERLINDA COSTALES
ERLINDA COSTALES
Claimant

DATED: 8/26/08

RANDALL T. PAGE
RANDALL T. PAGE
Attorney for Claimants Rex Costales
and Erlinda Costales

DATED: 8/26/08

MELICIO COSTALES
MELICIO COSTALES
Claimant

DATED: 8/26/08

MICHAEL S. PEDRETTI
MICHAEL S. PEDRETTI
Attorney for Claimant Melicio Costales